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In re Application of
Kingsman et al.
Application No. 09/867,947
Filed: May 29, 2001
Attorney Docket Number:
674523-2006.1

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition filed January 30, 2003, requesting that the above-identified application be accorded a filing date of May 29, 2001, including pages 72 - 75 of the application as part of the original disclosure.

The petition is granted.

The application was deposited on May 29, 2001. However, on December 11, 2002, the Office mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (hereinafter "Notice") stating that the application had been accorded a filing date of May 29, 2001, and advising applicants that pages 72 - 75 of the specification appeared to have been omitted from the application.

Petitioner responds with the instant petition wherein Petitioner avers that pages 72 - 75 of the application were included when the application was deposited on May 29, 2001. The petition is supported by a copy of a return-receipt postcard which acknowledges receipt of 76 pages of application and 43 sheets of drawings on May 29, 2001.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of 76 pages of application and 43 sheets of drawings on May 29, 2001. Petitioner has also re-submitted pages 72 - 75 of the application with the instant petition.

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date

stamp and place the postcard in the outgoing mail. "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

No petition fee is required. A refund of the petition fee, \$130.00, has been scheduled.

The application will be returned to the Office of Initial Patent Examination for further processing as a nonprovisional application with a filing date of May 29, 2001, and an indication that 76 pages of specification, including pages 72 - 75 of the specification, were present on filing.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Derek L. Woods at (703) 305-0014.

Christina Patricia Donnell

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions

Conferee: Christina Donnell, Esq.